

REMARKS

Claims 39-56 are pending. By this Amendment, claims 39 and 48 have been amended and new claims 50-56 have been added. No new matter has been added. Support for this amendment is found in the specification and drawings of the present application.

As an initial matter, Applicants wish to express sincere appreciation to the Examiner for the courtesy extended during the personal interview of October 20, 2004. During the interview, Applicants expressed their disagreement with the prior art rejections set forth in the August 10, 2004 Office Action. However, as shown on the attached Interview Summary from the October 20, 2004 interview, agreement was reached that amendments "to describe the invention as suitable for thermally control applications" would define the claims over the prior art of record.

By this Amendment, Applicants have amended the claims as agreed upon in the Examiner interview. Likewise, Applicants have added new claims 50-56 that are distinguishable over the prior art of record for the reasons discussed in the Examiner interview. In view of the foregoing amendments and remarks, Applicants respectfully request the withdrawal of the outstanding rejections and the timely allowance of the pending claims.

Applicants also request that the Examiner indicate that he has considered German document DE 197 48211A and the corresponding European Search Report that were submitted by Applicants in the PTO-1449 submitted with the November 13, 2003 Information Disclosure Statement. The Examiner had placed lines

through these documents in the copy of the PTO-1449 attached to the February 4, 2004

Office Action. As set forth in M.P.E.P. § 609:

Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise application of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign patent office.

Because Applicants have fully complied with M.P.E.P. § 609 and 37 C.F.R. §§ 1.97-1.98, Applicants respectfully request that the Examiner consider the German document and the European Search Report, and indicate that he has considered these documents in the next communication. Applicants respectfully request that the Examiner telephone the undersigned at 202-408-4391 if he has any questions regarding these documents.


The Office Action contains various characterizations and assertions regarding the cited art and Applicants' claims. Unless expressly noted herein, Applicants decline to subscribe to any such characterization or assertion.

Please grant any extensions of time required to enter this response and charge any additional required fees not otherwise accounted for to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 9, 2004

By: 
Troy E. Grabow
Reg. No. 43,440